Primary Industries Legislation Amendment Act 2019

No. 40 of 2019

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Victoria

Primary Industries Legislation Amendment Act 2019†

No. 40 of 2019

[Assented to 6 November 2019]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

(a) to amend the **Catchment and Land Protection Act 1994** to provide for court orders to compensate the Secretary for expenses incurred in carrying out work to have been carried out by landowners who have been found guilty of offences relating to the failure to carry out that work; and

(b) to amend the **Dairy Act 2000** to allow production of camel milk to be regulated under that Act and to make another minor amendment; and

(c) to amend the **Drugs, Poisons and Controlled Substances Act 1981** to make miscellaneous amendments; and

(d) to amend the **Fisheries Act 1995**—

(i) to abolish the Licensing Appeals Tribunal and transfer its review functions to VCAT; and

(ii) to make various amendments to offences and penalties and other enforcement mechanisms in relation to fisheries; and

(iii) to clarify search and seizure powers in relation to fisheries offences; and

(iv) to allow the holders of Western Port/Port Phillip Bay Fishery Access Licences to receive early payment of compensation for the early surrender of their rights to use fishing nets; and

(v) to make other improvements to the regulation and management of fisheries; and

(e) to amend the **Game Management Authority Act 2014** to make minor amendments to improve the governance arrangements in that Act and to allow authorised officers to enforce related offences under other Acts; and

(f) to amend the **Livestock Disease Control Act 1994** to improve enforcement powers, prescribe new infringement offences, increase certain penalties and make other minor amendments; and

(g) to amend the **Meat Industry Act 1993** to allow vehicles to be used as meat processing facilities and to make other miscellaneous amendments; and

(h) to amend the **Melbourne Market Authority Act 1977** to redefine the market land and make other minor and consequential amendments; and

(i) to amend the **Plant Biosecurity Act 2010** to improve enforcement powers and provide further for the importation and introduction of prescribed material; and

(j) to amend the **Veterinary Practice Act 1997** to provide for infringement notices to be served in relation to certain offences, to increase the fine for serious unprofessional conduct and to make other miscellaneous amendments; and

(k) to amend the **Wildlife Act 1975** to amend the definition of ***relevant offence***; and

(l) to make miscellaneous and consequential amendments to the **Confiscation Act 1997**, the **Conservation, Forests and Lands Act 1987**, the **Crown Land (Reserves) Act 1978**, the **Environment Protection Act 1970**, the **Firearms Act 1996** and the **Land Act 1958**; and

(m) to repeal the **Broiler Chicken Industry Act 1978**, the **Broiler Chicken Industry (Amendment) Act 1991** and the **Livestock Disease Control Amendment Act 2007**.

2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

(2) If a provision of this Act does not come into operation before 1 February 2020, it comes into operation on that day.

Part 2—Amendment of the Catchment and Land Protection Act 1994

3 Secretary may do certain work

For section 79(5) of the **Catchment and Land Protection Act 1994 substitute**—

"(5) The amount of any expenses necessarily incurred by the Secretary in carrying out work or any other action under subsection (1) or (2) is a debt due to the Crown and may be recovered in a court of competent jurisdiction.

(6) Any amount that is recovered by the Secretary under subsection (5) for expenses incurred by the Secretary in relation to non-compliance with a land management notice or a land use condition must not include any amount of compensation that has been, or is required to be, paid to the Secretary under an order made under section 79AA in relation to those expenses.".

4 New section 79AA inserted

After section 79 of the **Catchment and Land Protection Act 1994 insert**—

"**79AA Power of court to make an order for compensation to Secretary for expenses under section 79**

(1) If a court finds a person guilty of an offence under section 35(1) or 41(1), the Secretary may make, or cause an application to be made, to the court for an order that the person pay for expenses necessarily incurred by the Secretary in carrying out work or any other action under section 79(1) or (2) (as the

case requires) because of the commission of the offence.

(2) The court may, on receiving an application under subsection (1) in relation to a person and if satisfied that the Secretary has incurred the expenses referred to in that subsection, make an order that the person pay to the Secretary an amount of compensation that the court thinks fit for the expenses incurred by the Secretary.

(3) The court may not make an order under subsection (2) for an amount of compensation that exceeds the expenses of the Secretary necessarily incurred under section 79(1) or (2) (as the case requires).

(4) A statement in a certificate under the seal of the Secretary as to the amount of expenses incurred by the Secretary referred to in subsection (1) is evidence of the value of that amount.".

Part 3—Amendment of the Dairy Act 2000

5 Definitions

In section 3 of the **Dairy Act 2000**—

(a) for the definition of ***dairy farm*** **substitute**—

"***dairy farm*** means any premises where an animal is kept or milked for the purpose of producing milk for profit or sale;";

(b) for the definition of ***milk*** **substitute**—

"***milk*** means the mammary secretion of any milking animal;".

6 Delegation

In section 17 of the **Dairy Act 2000**, before "any power" **insert** ", by name or position,".

Part 4—Amendment of the Drugs, Poisons and Controlled Substances Act 1981

7 Part IVA definitions

In section 61(1) of the **Drugs, Poisons and Controlled Substances Act 1981**, for the definition of ***serious offence*** **substitute**—

"***serious offence*** means—

(a) an indictable offence involving dishonesty, fraud or assault; or

(b) an indictable offence involving possession, or cultivation of, or trafficking in, a drug of dependence; or

(c) any other indictable offence under this Act; or

(d) an indictable offence under the law of another jurisdiction involving—

(i) dishonesty, fraud or assault; or

(ii) possession, or cultivation of, or trafficking in, a drug of dependence.".

8 New section 69AB inserted

After section 69A of the **Drugs, Poisons and Controlled Substances Act 1981 insert**—

"**69AB Delegation**

The Secretary, by instrument, may delegate any powers or functions of the Secretary under this Part to a person, by name or by

position, who is employed under Part 3 of the **Public Administration Act 2004**.".

9 New section 148 inserted

At the end of Part XII of the **Drugs, Poisons and Controlled Substances Act 1981 insert**—

"**148 Transitional provision—Primary Industries Legislation Amendment Act 2019**

(1) The substitution of the definition of ***serious offence*** in section 61(1) by section 7 of the amending Act does not apply for the purposes of the consideration of an application under section 62 received by the Secretary before the commencement of section 7 of the amending Act.

(2) In this section—

amending Act means the **Primary Industries Legislation Amendment Act 2019**.".

Part 5—Amendment of the Fisheries Act 1995

10 Consultation principles

Section 3A(2)(h) of the **Fisheries Act 1995** is **repealed**.

11 Definitions and interpretative provisions

(1) In section 4(1) of the **Fisheries Act 1995**, for the definition of ***commercial quantity*** **substitute**—

"***commercial quantity***, in relation to any priority species, means the quantity of fish prescribed in respect of that priority species;".

(2) **Insert** the following definitions in section 4(1) of the **Fisheries Act 1995**—

"***maximum size***, in relation to a species of fish, means the maximum size for that species of fish specified by the regulations or in a fisheries notice;

minimum size, in relation to a species of fish, means the minimum size for that species of fish specified by the regulations or in a fisheries notice;".

(3) In section 4(1) of the **Fisheries Act 1995**, the definition of ***Licensing Appeals Tribunal*** is **repealed**.

12 Management plans

After section 28(7)(ca) of the **Fisheries Act 1995 insert**—

"(cb) specify a fish harvest strategy, including actions to be taken if fish stocks fall below specified levels;".

13 General permit

(1) In section 49(2)(k) of the **Fisheries Act 1995 omit** "specified by the regulations or by a fisheries notice".

(2) After section 49(8) of the **Fisheries Act 1995 insert**—

"(9) If the Victorian Fisheries Authority has cancelled a general permit under subsection (8) on the ground that the holder of the general permit has ceased to be a fit and proper person to hold the general permit, the Victorian Fisheries Authority may specify a time not exceeding 7 years within which the same person may not apply for the issue or transfer of a fishery licence, or the issue of a permit, under this Act.".

14 Offence to fail to comply with licence or permit conditions

For section 53(3)(c) of the **Fisheries Act 1995 substitute**—

"(c) that the holder did not in any way assist, encourage or direct the person to fail to comply with the condition.".

15 Powers of Victorian Fisheries Authority to cancel or suspend licences

After section 58(5) of the **Fisheries Act 1995 insert**—

"(5A) If the Victorian Fisheries Authority has cancelled a fishery licence under subsection (5) on the ground that the holder of the fishery licence has ceased to be a fit and proper person to hold the fishery licence, the Victorian Fisheries Authority may specify a time not exceeding 7 years within which the

same person may not apply for the issue or transfer of a fishery licence, or the issue of a permit, under this Act.".

16 Transfer of individual quota units

For section 65A(3) of the **Fisheries Act 1995 substitute**—

"(3) An application for the approval of a transfer must be made in the manner and form required by the Victorian Fisheries Authority.".

17 Offences in relation to size and catch limits

(1) In section 68A(1)(a) of the **Fisheries Act 1995 omit** "specified by the regulations or by a fisheries notice".

(2) For the penalty at the foot of section 68A(1) of the **Fisheries Act 1995 substitute**—

"Penalty: 100 penalty units or imprisonment for 6 months or both.".

(3) In section 68A(2) of the **Fisheries Act 1995 omit** "specified by the regulations or by a fisheries notice".

(4) For the penalty at the foot of section 68A(2) of the **Fisheries Act 1995 substitute**—

"Penalty: 100 penalty units or imprisonment for 6 months or both.".

(5) In section 68A(3)(a) of the **Fisheries Act 1995 omit** "specified by the regulations or by a fisheries notice".

(6) For the penalty at the foot of section 68A(4B) of the **Fisheries Act 1995 substitute**—

"Penalty: 100 penalty units or imprisonment for 6 months or both.".

(7) Section 68A(4C) of the **Fisheries Act 1995** is **repealed**.

(8) In section 68A(5) of the **Fisheries Act 1995 omit** "specified by the regulations or by a fisheries notice".

(9) For the penalty at the foot of section 68A(5) of the **Fisheries Act 1995 substitute**—

"Penalty: 100 penalty units or imprisonment for 6 months or both.".

(10) In section 68A(7)(a) of the **Fisheries Act 1995 omit** "specified by the regulations or by a fisheries notice".

18 Possession of fish taken in non-Victorian waters

For the penalty at the foot of section 68B(1) of the **Fisheries Act 1995 substitute**—

"Penalty: If the offence involves exceeding the catch limit for abalone by more than twice the catch limit—100 penalty units or imprisonment for 6 months or both.

In any other case—20 penalty units.".

19 Offences concerning prohibited noxious aquatic species

For the penalty at the foot of section 76 of the **Fisheries Act 1995 substitute**—

"Penalty: 200 penalty units.".

20 Revocation of permit

After section 82(2) of the **Fisheries Act 1995 insert**—

"(3) If the Victorian Fisheries Authority has revoked a permit under subsection (1) on the ground that the holder of the permit has ceased to be a fit and proper person to hold the permit, the Authority may specify a time

not exceeding 7 years within which the same person may not apply for the issue or transfer of a fishery licence, or the issue of a permit, under this Act.".

21 Provisions applying to fisheries reserves

(1) In section 89(3) of the **Fisheries Act 1995**, for "An Order in Council" **substitute** "A fisheries notice, the regulations or an Order in Council".

(2) For section 89(3)(c) of the **Fisheries Act 1995 substitute**—

"(c) impose penalties not exceeding 20 penalty units for any contravention of—

(i) the fisheries notice; or

(ii) the regulations; or

(iii) the Order in Council; or

(iv) a permit issued by the Victorian Fisheries Authority.".

(3) For section 89(4) of the **Fisheries Act 1995 substitute**—

"(4) If there is any inconsistency between a fisheries notice, the regulations, an Order in Council or a licence or permit issued under this Act—

(a) the fisheries notice prevails to the extent of the inconsistency over the regulations, the Order in Council, the licence or the permit; and

(b) the regulations prevail to the extent of the inconsistency over the Order in Council, the licence or the permit; and

(c) the Order in Council prevails to the extent of the inconsistency over the licence or the permit; and

(d) the relevant licences or permits are to be amended as soon as is practicable to remove the inconsistency.".

(4) In section 89(5) of the **Fisheries Act 1995**, for "the Order in Council" **substitute** "a fisheries notice, the regulations, an Order in Council".

22 References in this Part to offences include associated offences under other Acts

(1) In the heading to section 98 of the **Fisheries Act 1995**, for "**Crimes Act offences**" **substitute** "**offences under other Acts**".

(2) In section 98(1)(c)(vi) of the **Fisheries Act 1995**, for "benefit)." **substitute** "benefit);".

(3) After section 98(1)(c) of the **Fisheries Act 1995 insert**—

"(d) an offence against section 30(1), 30A(1) or 30B of the **Bail Act 1977** in respect of an offence against this Act;

(e) an offence against section 31(1)(c) of the **Crimes Act 1958** (assault or threaten a person) where the person assaulted or threatened is an authorised officer or police officer performing a function or exercising a power under this Act, or is a person assisting the authorised officer or police officer;

(f) an offence against section 82(1) of the **Crimes Act 1958** (obtaining financial advantage by deception) that is committed by doing or omitting to do an act in contravention of this Act;

(g) an offence against section 83(1) of the **Crimes Act 1958** (false accounting) in relation to an account, record or document that is required to be made, kept or produced for the purposes of this Act;

(h) an offence against section 83A of the **Crimes Act 1958** (falsification of documents) in relation to a document that is required to be made, kept or produced for the purposes of this Act;

(i) an offence against section 254(1) of the **Crimes Act 1958** (destruction of evidence) in relation to legal proceedings under this Act;

(j) an offence against section 5AA, 6(1), 6(2) or 7(1) of the **Control of Weapons Act 1990** where the prohibited weapon, controlled weapon or dangerous article is identified by an authorised officer or police officer in the course of performing a function or exercising a power under this Act;

(k) an offence against section 49E of the **Summary Offences Act 1966** (escaping from lawful custody) in respect of an offence against this Act.".

23 Powers of entry and inspection

After section 102(6C) of the **Fisheries Act 1995 insert**—

"(6D) An authorised officer or police officer may require a person to produce for inspection any fish or fishing equipment that is in the person's possession.".

24 Powers to search land or premises

(1) In section 103(2) of the **Fisheries Act 1995** **omit** "by information on oath".

(2) In section 103(2) of the **Fisheries Act 1995** **omit** "or by affirmation".

(3) In section 103(5) of the **Fisheries Act 1995** **omit** "it is signed by the magistrate who issued it and".

(4) After section 103(6) of the **Fisheries Act 1995** **insert**—

"(7) A search warrant under this section must be issued in accordance with the **Magistrates' Court Act 1989** and in the form prescribed under that Act.

(8) The rules to be observed with respect to search warrants mentioned in the **Magistrates' Court Act 1989** extend and apply to warrants under this section.".

25 Forfeiture or return of things seized or retained

(1) In section 106(5A)(a) of the **Fisheries Act 1995**, for "116(1)," **substitute** "116(1), 116(2A),".

(2) In section 106(6A)(b) of the **Fisheries Act 1995**, after "this" **insert** "or any other".

(3) After section 106(6A) of the **Fisheries Act 1995** **insert**—

"(6B) If any thing is seized under this Act but is not returned to the owner because the sale, possession or use of the thing is prohibited under another Act, the thing must be dealt with in accordance with that other Act.".

26 Offences with respect to authorised officers

(1) In section 111(1)(e) of the **Fisheries Act 1995**, after "section 102" **insert** "(other than subsection (6D) of that section)".

(2) In section 111(1)(i) of the **Fisheries Act 1995**, after "requirement" **insert** "(including a requirement under section 102(6D))".

27 Sale of fish taken in contravention of this Act or corresponding law

(1) After section 116(2) of the **Fisheries Act 1995 insert**—

"(2A) A person must not hide or conceal any fish taken or otherwise dealt with in contravention of this Act or a law of the Commonwealth or of another State or of a Territory that corresponds to this Act.

Penalty: 100 penalty units or imprisonment for 6 months or both.".

(2) In section 116(3) of the **Fisheries Act 1995**, for "means" **substitute** "includes".

28 Liability for offences

For section 120(4)(b) of the **Fisheries Act 1995 substitute**—

"(b) that the person, relevant access licence holder or nominee (as they case may be) did not in any way assist, encourage or direct the commission of the offence.".

29 Court may prohibit person from being on boats or certain places

(1) In section 130(1)(e) of the **Fisheries Act 1995**, for "system." **substitute** "system; or".

(2) After section 130(1)(e) of the **Fisheries Act 1995 insert**—

"(f) selling, supplying, processing, receiving or otherwise dealing with fish, protected aquatic biota or noxious aquatic species.".

(3) In section 130(2)(b) of the **Fisheries Act 1995**, before "the person" **insert** "there are reasonable grounds to believe".

30 Protection from criminal responsibility for certain ancillary conduct

For section 131O(1) of the **Fisheries Act 1995 substitute**—

"(1) This section applies to conduct such as involvement in the commission of a relevant offence (***ancillary conduct***) for which a person may be criminally responsible because the conduct involves conduct engaged in by another person that is controlled conduct for which the other person would (but for section 131L) be criminally responsible (the ***related controlled conduct***).".

31 Repeal of section 135

Section 135 of the **Fisheries Act 1995** is **repealed**.

32 Substitution of section 136

For section 136 of the **Fisheries Act 1995 substitute**—

"**136 Application for review by VCAT**

A person who is aggrieved by a reviewable decision within the meaning of section 137 may within 28 days after receiving notice of the decision apply to VCAT for a review of the decision.".

33 Immunity provision

In section 142(1) of the **Fisheries Act 1995 omit** "a member or deputy of the Licensing Appeals Tribunal,".

34 Victorian Fisheries Authority may supply names to representative bodies

For section 145A(4) of the **Fisheries Act 1995 substitute**—

"(4) A person must not breach a condition.

Penalty: 200 penalty units or imprisonment for 12 months.

(5) A person must not assist, encourage or direct another person, or have any agreement, arrangement or understanding with another person, to breach a condition.

Penalty: 200 penalty units or imprisonment for 12 months.".

35 Royalties

In section 150(2)(b) of the **Fisheries Act 1995**—

(a) in subparagraph (viii), after "above" **insert** "factors";

(b) before "fish, protected aquatic biota or noxious aquatic species" **insert** "or relating to".

36 Restriction against commercial net fishing in Port Phillip Bay

(1) For section 153E(1)(b) of the **Fisheries Act 1995 substitute**—

"(b) the holder of a Western Port/Port Phillip Bay Fishery Access Licence is not authorised to use any fishing net anywhere in Port Phillip Bay on or after the earlier of the following—

(i) the day of receiving any compensation under section 153I(3);

(ii) 1 April 2022.".

(2) Section 153E(2) of the **Fisheries Act 1995** is **repealed**.

37 Compensation

After section 153I(2) of the **Fisheries Act 1995 insert**—

"(3) The holder of a Western Port/Port Phillip Bay Fishery Access Licence who has been given a notice referred to in section 153F(3) is entitled to be paid an amount of $205 000 out of the Consolidated Fund (which is, by this subsection, appropriated to the extent necessary) on the earlier of the following—

(a) on making an application to the Secretary for that amount;

(b) 1 April 2022.".

38 New section 163F inserted

After section 163E of the **Fisheries Act 1995 insert**—

"**163F Transitional provisions—Primary Industries Legislation Amendment Act 2019**

(1) Any appeal proceeding of the Licensing Appeals Tribunal in respect of which a hearing has commenced but a determination has not been made before the commencement day is to be determined in accordance with this Act as in force immediately before the commencement day.

(2) In this section—

commencement day means the day on which section 31 of the **Primary Industries Legislation Amendment Act 2019** comes into operation.".

39 Statute law revision amendments

(1) In section 60(1) of the **Fisheries Act 1995**, for "or or" **substitute** "or".

(2) In section 153C(5) of the **Fisheries Act 1995**, in the definition of ***Western Port***, for "southern most" **substitute** "southernmost".

Part 6—Amendment of the Game Management Authority Act 2014

40 Definitions

In section 3 of the **Game Management Authority Act 2014 insert** the following definition—

"***Secretary*** means the Secretary to the Department of Jobs, Precincts and Regions;".

41 Exercise of powers

After section 8(2) of the **Game Management Authority Act 2014 insert**—

"(3) The Authority must operate consistently with any governance framework requirements agreed to by the Minister, the Secretary and the Authority.".

42 New section 8A inserted

After section 8 of the **Game Management Authority Act 2014 insert**—

"**8A Guiding principles**

The Authority must have regard to the following principles when exercising its powers or performing its functions under this Act—

(a) the principle of integrated decision-making, which means seeking to achieve government policy objectives through coordination between all levels of government and government agencies;

(b) the principle of triple bottom-line assessment, which means an assessment of all the economic, social and environmental costs and benefits, taking into account externalities;

(c) the principle of equity, which means—

(i) equity between persons irrespective of their—

(A) personal attributes including age, physical ability, ethnicity, culture, gender and financial situation; and

(B) location, including whether in a growth, urban, regional, rural or remote area; and

(ii) equity between generations by not compromising the ability of future generations to meet their needs;

(d) the principle of an evidence-based approach, which means considering the best available information when making decisions;

(e) the principle of stakeholder engagement and community participation, which means taking into account the interests of stakeholders and members of the local community in implementing appropriate processes for stakeholder engagement;

(f) the principle of transparency, which means that members of the public should have access to reliable and relevant information in appropriate forms to facilitate a good understanding

of game management issues and the process by which decisions in relation to game management are made.".

43 Conditions of appointment of members

For section 11(6) and (7) of the **Game Management Authority Act 2014 substitute**—

"(6) If the office of a member becomes vacant within 6 months of the end of the term of the office, the office may be left vacant for the remainder of the term.".

44 New section 11A inserted

After section 11 of the **Game Management Authority Act 2014 insert**—

"11A Acting Chairperson

(1) The deputy Chairperson must act as Chairperson—

(a) if the office of Chairperson is vacant; or

(b) during any period when the Chairperson is absent; or

(c) if the Chairperson is, for any other reason, unable to attend meetings of the Authority or is otherwise unable to perform the duties of the office.

(2) While the deputy Chairperson is acting as Chairperson, the deputy Chairperson—

(a) has and may exercise all the powers, and must perform all the functions and duties, of the Chairperson; and

(b) is entitled to be paid the remuneration and allowances to which the Chairperson would have been entitled.

(3) The Minister may appoint a member of the Authority to act as deputy Chairperson—

(a) during a vacancy in the office of deputy Chairperson; or

(b) during any period when the deputy Chairperson is absent; or

(c) during any period when the deputy Chairperson is acting as Chairperson; or

(d) if the deputy Chairperson is, for any other reason, unable to attend meetings of the Authority or is otherwise unable to perform the duties of the office.

(4) While a member of the Authority is acting as deputy Chairperson, the member—

(a) has and may exercise all the powers, and must perform all the functions and duties, of the deputy Chairperson; and

(b) is entitled to be paid the remuneration and allowances to which the deputy Chairperson would have been entitled.".

45 Disclosure of information

In section 16(3) of the **Game Management Authority Act 2014**, in paragraph (b) of the definition of ***relevant person*** **omit** "to the Department of Environment and Primary Industries".

46 Chief executive officer

For section 17(2) of the **Game Management Authority Act 2014 substitute**—

"(2) The chief executive officer is to be employed subject to terms and conditions

that are approved by the Minister (on the recommendation of the members of the Authority) and specified in the instrument of appointment.

(3) Subject to and in accordance with the policies and directions given to the chief executive officer by the Authority, the chief executive officer—

(a) is responsible for the administration of the day to day management of the affairs of the Authority; and

(b) is responsible for performing the functions and exercising the powers conferred on the chief executive officer under this Act; and

(c) may perform any functions or exercise any powers conferred on the chief executive officer under any other Act.".

47 Application of Conservation, Forests and Lands Act 1987 to authorised officers

In section 24 of the **Game Management Authority Act 2014**, for "appointed by the Secretary under the **Conservation, Forests and Lands Act 1987**" **substitute** "appointed under that Act by the Secretary within the meaning of that Act".

48 Application of Conservation, Forests and Lands Act 1987 to the Authority

In section 25 of the **Game Management Authority Act 2014**, after "Secretary" **insert** "within the meaning of that Act".

Part 7—Amendment of the Livestock Disease Control Act 1994

49 Separation of livestock

Insert the following heading to section 8 of the **Livestock Disease Control Act 1994**—

"**Separation of livestock**".

50 Requirements for vendor declarations when livestock moved

(1) For section 8A(6)(b) of the **Livestock Disease Control Act 1994 substitute**—

"(b) a livestock agent declaration.".

(2) For section 8A(7) and (8) of the **Livestock Disease Control Act 1994 substitute**—

"(7) An owner of livestock or a livestock agent who gives a vendor declaration or a livestock agent declaration under this section to a new owner of livestock must keep a copy of that declaration for the prescribed period after giving the declaration to the new owner.

Penalty: 10 penalty units.

(8) A person who is given a vendor declaration or a livestock agent declaration under this section must keep the declaration for the prescribed period after receiving the declaration.

Penalty: 10 penalty units.".

(3) In section 8A(9) of the **Livestock Disease Control Act 1994**—

(a) for "or class." **substitute** "or class;";

(b) **insert** the following definition—

"***livestock agent declaration*** means a document, relating to the movement of the livestock, that is prescribed for the purposes of this section containing the prescribed particulars.".

51 Quarantine areas

(1) In section 11(b)(ii) of the **Livestock Disease Control Act 1994**, after "remove from" **insert** ", or move into,".

(2) At the end of section 11 of the **Livestock Disease Control Act 1994 insert**—

"(2) An inspector may make a written authority under subsection (1) subject to any condition that the inspector considers is reasonably necessary to prevent the spread of disease.".

52 Offences

(1) In section 12(1) of the **Livestock Disease Control Act 1994**—

(a) in paragraph (a), after "expose" **insert** "any diseased livestock";

(b) in paragraph (b), after "expose" **insert** "any diseased livestock";

(c) in paragraph (c), after "place" (where first occurring) **insert** "any diseased livestock";

(d) in paragraph (d), after "vessel" **insert** "any diseased livestock";

(e) in paragraph (e), after "driven" **insert** "any diseased livestock";

(f) in paragraph (f), after "kept" **insert** "any diseased stock";

(g) in paragraph (g)—

(i) for "the stock" **substitute** "any diseased livestock";

(ii) after "kept" (where secondly occurring) **insert** "the diseased livestock";

(iii) for "fenced—" **substitute** "fenced.";

(h) **omit** "any diseased livestock.".

(2) For section 12(3) of the **Livestock Disease Control Act 1994 substitute**—

"(3) The Secretary may exempt any person or class of person or any class of diseased livestock from all or any of the provisions of subsection (1) or (2).

(3A) An exemption—

(a) may apply in relation to the whole or any part of Victoria; and

(b) must state which parts of Victoria it applies to.".

(3) After section 12(4) of the **Livestock Disease Control Act 1994 insert**—

"(4A) An exemption that relates to a class of person or a class of diseased livestock must be published in full in the Government Gazette as soon as is practicable after it is granted.".

53 Separation or isolation of livestock

(1) **Insert** the following heading to section 13 of the **Livestock Disease Control Act 1994**—

"**Separation or isolation of livestock**".

(2) In section 13 of the **Livestock Disease Control Act 1994**—

(a) in subsection (1), after "are kept" **insert** "separate or";

(b) in subsection (2), after "are kept" **insert** "separate or".

54 Testing for diseases

(1) For the penalty at the foot of section 16(2A) of the **Livestock Disease Control Act 1994 substitute**—

"Penalty: 30 penalty units.".

(2) For the penalty at the foot of section 16(2B) of the **Livestock Disease Control Act 1994 substitute**—

"Penalty: 30 penalty units.".

55 Payments out of the Cattle Compensation Fund

In section 72(2) of the **Livestock Disease Control Act 1994**—

(a) after "may make payments" **insert** "from the Fund for the following";

(b) in paragraph (a) **omit** "from the capital of the Fund for";

(c) in paragraph (b) **omit** "from interest earned on money from the Fund for".

56 Payments out of the Sheep and Goat Compensation Fund

In section 79B(2) of the **Livestock Disease Control Act 1994**—

(a) after "may make payments" **insert** "from the Fund for the following";

(b) in paragraph (a) **omit** "from the capital of the Fund for";

(c) in paragraph (b) **omit** "from interest earned on money from the Fund for";

(d) in paragraph (c) **omit** "from the capital of the Fund or from interest earned on money from the Fund for".

57 Treatment notice

For section 115(1) of the **Livestock Disease Control Act 1994 substitute**—

"(1) An inspector who believes on reasonable grounds that any livestock is infected with a disease or that the livestock may become infected with a disease (the ***affected livestock***) may by notice in writing to the owner or person in charge of the affected livestock require that person—

(a) to submit the affected livestock for any examination, biological test, vaccination, inoculation or other treatment which the inspector considers necessary to prevent the introduction or spread of disease; and

(b) to do all or any of the things set out in subsection (1A) during the following times—

(i) while the affected livestock are waiting to be examined, biologically tested, vaccinated, inoculated or receive other treatment;

(ii) while the affected livestock are being examined, biologically tested, vaccinated, inoculated or receiving other treatment;

(iii) after the affected livestock have been examined, biologically tested, vaccinated, inoculated or received other treatment, but only until the inspector is satisfied that the affected livestock are no longer a potential vector for disease.

(1A) For the purposes of subsection (1)(b), the things that the owner or person in charge of the affected livestock may be required to do are any one or more of the following—

(a) keep the affected livestock separated or isolated from other livestock;

(b) keep livestock products of the affected livestock separated or isolated from other livestock products;

(c) restrict or prohibit the sale or other disposition or movement of the affected livestock;

(d) restrict or prohibit the sale or other disposition or movement of livestock products from the affected livestock.".

58 Infringement notices

In section 126(1) of the **Livestock Disease Control Act 1994**—

(a) for "6(4), 9" **substitute** "6(4), 8A(1), 8A(3), 8A(4), 8A(5), 8A(6), 8A(7), 8A(8), 9";

(b) for "9C, 48(1)" **substitute** "9C, 16(2A), 16(2B), 48(1)".

59 Statute law revision amendment—Definitions

In section 3(1) of the **Livestock Disease Control Act 1994**, in the definition of ***vendor declaration***, for "section 8A(1);" **substitute** "section 8A(1).".

Part 8—Amendment of the Meat Industry Act 1993

60 Definitions

(1) In section 3(1) of the **Meat Industry Act 1993**, in the definition of ***abattoir***—

(a) after paragraph (a) **insert**—

"(ab) a vehicle used for slaughter of consumable animals for human consumption; or";

(b) in paragraph (c)—

(i) after "facility" **insert** ", vehicle";

(ii) after "paragraph (a)" **insert** "or a vehicle referred to in paragraph (ab)".

(2) In section 3(1) of the **Meat Industry Act 1993**, in the definition of ***general meat processing facility***—

(a) in paragraph (c), after "place" **insert** "or vehicle";

(b) after "place" (where thirdly occurring) **insert** "or vehicle".

(3) In section 3(1) of the **Meat Industry Act 1993**, in paragraph (b) of the definition of ***pet food processing facility***, after "place" **insert** "or vehicle".

61 Slaughter at unlicensed premises

(1) In section 38(1) of the **Meat Industry Act 1993**, after "place" **insert** "or vehicle".

(2) After section 38(2) of the **Meat Industry Act 1993 insert**—

"(3) A person does not commit an offence under subsection (1)(c) if the game is processed at

a meat processing facility that solely processes game that is not intended for sale.".

62 Unlicensed facilities

(1) In section 40(2) of the **Meat Industry Act 1993**, after "place" **insert** "or vehicle".

(2) After section 40(3) of the **Meat Industry Act 1993 insert**—

"(3A) A person does not commit an offence under subsection (1) if the meat processing facility solely processes game that is not intended for sale.".

63 Powers of inspectors

For section 72(2)(a) to (c) of the **Meat Industry Act 1993 substitute**—

"(a) enter and search any meat processing facility; and

(ab) enter and search any vehicle; and

(b) at any reasonable time and by any reasonable means enter—

(i) any place not occupied as a place of residence at which the inspector reasonably believes that meat is being processed or sold; and

(ii) any place which the inspector reasonably believes is or may be used or is intended to be used in connection with the slaughter of animals; and

(c) search any equipment, machinery, implements, enclosures, animals or goods in or on the facility, vehicle or place; and".

Part 9—Amendment of the Melbourne Market Authority Act 1977

64 Definitions

(1) In section 3 of the **Melbourne Market Authority Act 1977** for the definition of ***appointed day*** **substitute**—

"***appointed day*** means 1 April 1978;".

(2) In section 3 of the **Melbourne Market Authority Act 1977**—

(a) the definitions of ***fruit***, ***market area*** and ***vegetables*** are **repealed**;

(b) in the definition of ***Treasurer***, for "Victoria;" **substitute** "Victoria.".

(3) In section 3 of the **Melbourne Market Authority Act 1977**, in the definition of ***market land***, for paragraph (a) **substitute**—

"(a) the land delineated and shown hatched on the plan in Schedule 3, which consists of the land described in Certificate of Title Volume 11575 Folio 183 and the land described in Certificate of Title Volume 11575 Folio 184; and".

65 Land at West Melbourne ceases to be market land

On the commencement of section 64(3) of this Act, the land described in paragraph (a) of the definition of ***market land*** in section 3 of the **Melbourne Market Authority Act 1977** immediately before that commencement, to the extent that the land is market land, ceases to be market land.

66 Powers of the Authority

For section 7(3) of the **Melbourne Market Authority Act 1977 substitute**—

"(3) Despite section 4(2)(e), the Authority is not required to obtain the approval of the Minister to—

(a) the grant by the Authority of a lease, tenancy, permit or licence under this section if the grant is for a term that is 10 years or less; or

(b) the entering into a lease, tenancy, permit or licence under this section by the Authority for a term that is 10 years or less.".

67 Proceedings of the Authority

In section 13A(1) of the **Melbourne Market Authority Act 1977 omit** "at least once in each month".

68 Limitation on extent to which Authority may enter into contracts

In section 20(1) and (2) of the **Melbourne Market Authority Act 1977**, for "$250 000" **substitute** "$750 000".

69 Section 26 substituted

For section 26 of the **Melbourne Market Authority Act 1977 substitute**—

"**26 Use of market land**

(1) Subject to subsection (2), the Authority must use the market land at all times as a site for a market.

(2) The Authority may permit the whole or any part of the market land to be used for a purpose associated with the use of the market land as a site for a market if that purpose does not interfere with or detract from the use of the market land as a site for a market.".

70 Revocation of notice under section 34

(1) The notice of enlargement of market land made under section 34 of the **Melbourne Market Authority Act 1977** dated 1 January 1998 published in the Government Gazette No. G 18; 7 May 1998, p. 1027, declaring certain land to be market land is **revoked**.

(2) On the revocation of the notice revoked under subsection (1), the land declared to be market land under that declaration, to the extent that the land is market land, ceases to be market land.

71 Leases etc. to be subject to certain terms

(1) In section 35(1) of the **Melbourne Market Authority Act 1977**—

(a) after "or licence" (where first occurring) **insert** "granted by the Authority";

(b) **omit** "or of the **Farm Produce Wholesale Act 1990** or of regulations under that Act insofar".

(2) Section 35(3) of the **Melbourne Market Authority Act 1977** is **repealed**.

72 References to market area

(1) In section 38(1) of the **Melbourne Market Authority Act 1977**, for "market area" (wherever occurring) **substitute** "market land".

(2) In section 38A(1)(b) of the **Melbourne Market Authority Act 1977**, for "market area" **substitute** "market land".

73 Repeal of sections 39, 42 and 45

Sections 39, 42 and 45 of the **Melbourne Market Authority Act 1977** are **repealed**.

74 New section 47 inserted

After section 46 of the **Melbourne Market Authority Act 1977 insert**—

"**47 Transitional provision—Primary Industries Legislation Amendment Act 2019**

(1) On and from the commencement of section 77 of the amending Act, in any Act (other than this Act) or in any instrument made under any Act or in any other document of any kind, a reference to the Melbourne wholesale fruit and vegetable market is taken to be a reference to the Melbourne Wholesale Fruit, Vegetable and Flower Market in relation to any period on or after the commencement of section 77 of the amending Act unless a contrary intention appears.

(2) In this section—

amending Act means the **Primary Industries Legislation Amendment Act 2019**.".

75 Schedule 2 repealed

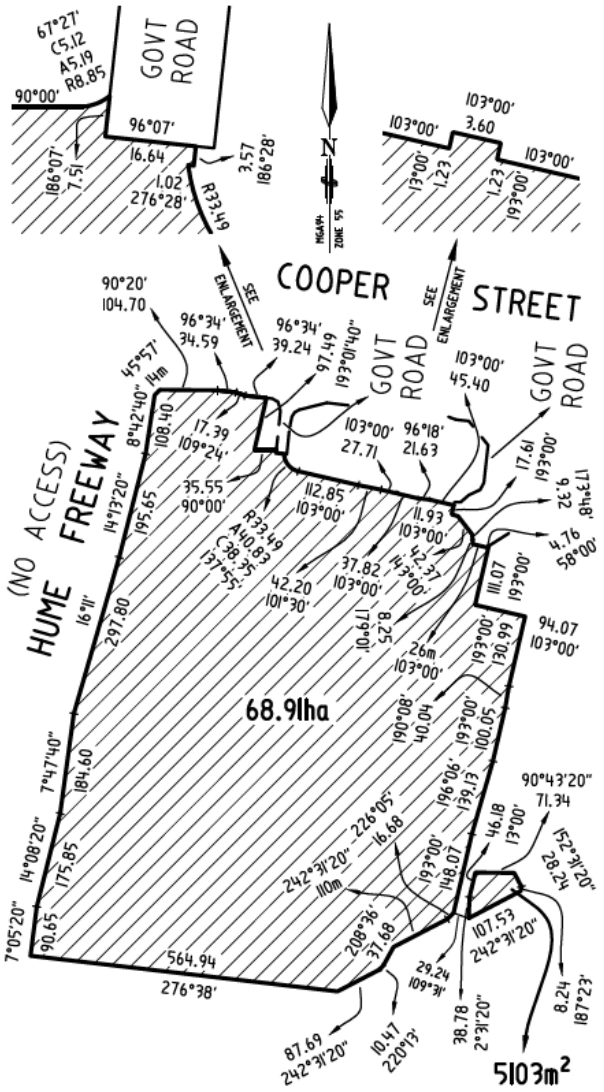
Schedule 2 of the **Melbourne Market Authority Act 1977** is **repealed**.

76 New Schedule 3 inserted—Market land

At the end of the **Melbourne Market Authority Act 1977 insert**—

"Schedule 3—Market land at Epping

Section 3—Definition of ***market land***



".

77 References to change of market name

(1) In section 6(a) and (b) of the **Melbourne Market Authority Act 1977**, for "wholesale fruit and vegetable market" **substitute** "Wholesale Fruit, Vegetable and Flower Market".

(2) In section 7(2)(c) of the **Melbourne Market Authority Act 1977**, for "wholesale fruit and vegetable market" **substitute** "Wholesale Fruit, Vegetable and Flower Market".

(3) In section 15 of the **Melbourne Market Authority Act 1977**, for "wholesale fruit and vegetable market" **substitute** "Wholesale Fruit, Vegetable and Flower Market".

(4) In section 21(3)(b) of the **Melbourne Market Authority Act 1977**, for "Fruit and Vegetable Market" **substitute** "Fruit, Vegetable and Flower Market".

(5) In section 34 of the **Melbourne Market Authority Act 1977**, for "wholesale fruit and vegetable market" (where twice occurring) **substitute** "Wholesale Fruit, Vegetable and Flower Market".

(6) In section 37 of the **Melbourne Market Authority Act 1977**, for "wholesale fruit and vegetable market" **substitute** "Wholesale Fruit, Vegetable and Flower Market".

(7) In Schedule 1 to the **Melbourne Market Authority Act 1977**—

(a) in Part I, in clause 1, for "FRUIT AND VEGETABLE MARKET" **substitute** "FRUIT, VEGETABLE AND FLOWER MARKET";

(b) in Part II, for "Fruit and Vegetable Market" **substitute** "Fruit, Vegetable and Flower Market";

(c) in Part II, in clause 8(1), for "Fruit and Vegetable Market" **substitute** "Fruit, Vegetable and Flower Market".

78 Substitution of gender neutral language

(1) In section 10(3) of the **Melbourne Market Authority Act 1977**, for "his or her office" **substitute** "the member's office by notice".

(2) In section 13A(2) of the **Melbourne Market Authority Act 1977**, for "his or her" **substitute** "the chairperson's".

(3) In section 18 of the **Melbourne Market Authority Act 1977**, for "his duties" **substitute** "the member's duties".

(4) In section 20(1) of the **Melbourne Market Authority Act 1977**, for "him" **substitute** "the Minister".

(5) In section 21(1) of the **Melbourne Market Authority Act 1977**, for "he imposes" **substitute** "the Treasurer imposes".

(6) In section 23(1) of the **Melbourne Market Authority Act 1977**, for "his hands" **substitute** "the trustee's hands".

(7) In section 23(3) of the **Melbourne Market Authority Act 1977**, for "his or its hands" **substitute** "the hands of the trustee, company or body corporate (as the case may be)".

(8) In section 24 of the **Melbourne Market Authority Act 1977**—

(a) in subsection (3), for "his place" **substitute** "the receiver's place";

(b) in subsection (4)(b), for "his services" **substitute** "the receiver's services";

(c) in subsection (6)—

(i) for "by him as such" **substitute** "by the receiver in the capacity as a receiver";

(ii) for "his remuneration" **substitute** "the receiver's remuneration".

(9) In section 35(1) of the **Melbourne Market Authority Act 1977**, for "applicable to him" **substitute** "applicable to the lessee, tenant, permittee or licensee".

(10) In Part I of Schedule 1 to the **Melbourne Market Authority Act 1977**—

(a) in clause 4, for "as if he" **substitute** "as if the bearer";

(b) in clause 7, for "by him" **substitute** "by the person";

(c) in clause 7, for "his giving" **substitute** "the person giving".

(11) In Part II of Schedule 1 to the **Melbourne Market Authority Act 1977**—

(a) in clause 4(2), for "his credit" **substitute** "the person's credit";

(b) in clause 5—

(i) in subclause (2) (a), for "produced to him" **substitute** "produced to the registrar";

(ii) in subclause (3) **omit** "he is";

(c) in clause 6(1)—

(i) for "his hand and seal" **substitute** "the person's hand and seal";

(ii) for "some person to be his attorney" **substitute** "some other person to be the person's attorney";

(d) in clause 8(1)—

(i) for "of himself or of another or others makes appear" **substitute** "sworn or affirmed by that person or any other person or persons proves";

(ii) omit "by him or them";

(iii) for "under his hand" **substitute** "under his or her hand";

(iv) for "his assent" **substitute** "his or her assent".

Part 10—Amendment of the Plant Biosecurity Act 2010

79 Definitions

(1) In section 3(1) of the **Plant Biosecurity Act 2010**, for the definition of ***assurance certificate*** **substitute**—

"***assurance certificate*** means a certificate issued by an accredited person;".

(2) In section 3(1) of the **Plant Biosecurity Act 2010**, for the definition of ***plant product*** **substitute**—

"***plant product*** means the whole or part of any flower, fruit, nut, seed, leaf, bulb, corm, tuber or stem, that has been separated from a plant and includes—

(a) dried plant material; and

(b) timber that has been sawn or dressed; and

(c) the juice of a plant;".

80 Importation of prescribed material

For section 8(1C) of the **Plant Biosecurity Act 2010 substitute**—

"(1C) For the purposes of subsections (1), (1A) and (1B), the requirements are that the person—

(a) must ensure that the prescribed material —

(i) meets the prescribed condition requirements; or

(ii) has been tested or treated in accordance with the requirements prescribed in the regulations; and

(b) if required by the regulations—

(i) has sent to the Secretary or a person authorised under a compliance agreement made under section 47 and has in the person's possession at the time that the prescribed material is delivered to a person in Victoria a copy of—

(A) an assurance certificate; or

(B) a plant health certificate; or

(C) a plant health declaration; or

(ii) presents the prescribed material for inspection, examination and treatment at a prescribed place or a place nominated by an inspector.".

81 Declaration of control areas

After section 19(2) of the **Plant Biosecurity Act 2010 insert**—

"(3) An order declaring a control area may authorise an inspector to issue a direction to an owner or occupier of land within the control area to do any of the things specified in subsection (2)(b).

(4) A direction issued by an inspector under subsection (3) must—

(a) be in writing; and

(b) be given to the person to whom it applies; and

(c) fix a reasonable time by which the direction is to be complied with.

(5) A person must not contravene any direction of an inspector under subsection (3).

Penalty: 60 penalty units.".

82 Procedures on taking samples

In section 105 of the **Plant Biosecurity Act 2010**—

(a) in paragraph (a), after "sample" **insert** "unless the market value is negligible, in which case the inspector must give a receipt to the owner for the sample";

(b) for paragraph (c) **substitute**—

"(c) if practicable, prior to taking the sample, advise the owner or the person having the charge of the plants or plant products that the sample is detained for the purpose of examination; and";

(c) in paragraph (d), before "divide" **insert** "if practicable,".

83 Regulations

(1) In section 141(1)(b) of the **Plant Biosecurity Act 2010**—

(a) after "plant products," **insert** "plant vectors,";

(b) for "used packages or earth material" **substitute** "used packages, earth material or beehives";

(c) after "plant product," **insert** "plant vector,";

(d) for "used equipment or earth material" **substitute** "used equipment, earth material or beehive".

(2) After section 141(1)(b) of the **Plant Biosecurity Act 2010 insert**—

"(ba) requirements for the testing of plants, plant products, plant vectors, used packages, used equipment, earth materials or beehives;

(bb) requirements for the condition of plants, plant products, plant vectors, used packages, used equipment, earth materials or beehives;".

Part 11—Amendment of the Veterinary Practice Act 1997

84 Effect of suspension of registration

In section 14 of the **Veterinary Practice Act 1997**, after "Act" **insert** "(except in Part 3)".

85 New Subdivision heading inserted

In Division 3 of Part 3 of the **Veterinary Practice Act 1997**, before section 34 **insert** the following heading—

"**Subdivision 1—Informal hearings**".

86 Constitution of a panel for an informal hearing

For section 35(2) of the **Veterinary Practice Act 1997 substitute**—

"(2) The President or (if the President is unable to act) the Deputy President of the Board may appoint persons who are not members of the Board but who are approved by the Governor in Council under subsection (4) in the following circumstances—

(a) the Board is unable to appoint a panel because there are not enough members available to sit on it;

(b) the Board is of the opinion that a person with special expertise is required for the hearing;

(c) the Board considers that in the circumstances it is desirable that a lawyer should sit on the panel.".

87 Request for formal hearing on completion of informal hearing

In section 40 of the **Veterinary Practice Act 1997**, after "may" **insert** ", within 45 days,".

88 New Subdivision heading inserted

After section 40 of the **Veterinary Practice Act 1997 insert** the following heading—

"**Subdivision 2—Formal hearings**".

89 Findings and determinations of a formal hearing into conduct

In section 45(2)(g) of the **Veterinary Practice Act 1997**, for "$2000" **substitute** "$10 000".

90 Findings and determinations of a formal hearing into ability to practise

(1) In section 46(1)(a) of the **Veterinary Practice Act 1997**, after "because" **insert** "of one or more of the following".

(2) In section 46(1)(a)(i) of the **Veterinary Practice Act 1997**—

(a) **omit** "of" (where first occurring);

(b) **omit** "or" (where secondly occurring).

(3) In section 46(1)(a)(ii) of the **Veterinary Practice Act 1997 omit** "or".

91 Advertising

For section 59(1) of the **Veterinary Practice Act 1997 substitute**—

"(1) A person must not advertise a veterinary practice or veterinary services in a manner which is false.

Penalty: For a natural person, 50 penalty units.

For a body corporate, 100 penalty units.

(1A) A person must not advertise a veterinary practice or veterinary services in a manner which is misleading.

Penalty: For a natural person, 50 penalty units.

For a body corporate, 100 penalty units.

(1B) A person must not advertise a veterinary practice or veterinary services in a manner that is deceptive.

Penalty: For a natural person, 50 penalty units.

For a body corporate, 100 penalty units.

(1C) A person must not advertise a veterinary practice or veterinary services in a manner which is intended to be false, misleading or deceptive.

Penalty: For a natural person, 50 penalty units.

For a body corporate, 100 penalty units.

(1D) A person must not advertise a veterinary practice or veterinary services in a manner that offers a discount, gift or other inducement to attract persons to a veterinary practitioner or veterinary practice unless the advertisement also sets out the terms and conditions of that offer.

Penalty: For a natural person, 50 penalty units.

For a body corporate, 100 penalty units.

(1E) A person must not advertise a veterinary practice or veterinary services in a manner that unfavourably contrasts veterinary services provided by a veterinary practitioner or veterinary practice with services provided by another veterinary practitioner or veterinary practice.

Penalty: For a natural person, 50 penalty units.

For a body corporate, 100 penalty units.".

(2) In section 59(2) and (3) of the **Veterinary Practice Act 1997**, for "subsection (1)" (where first occurring) **substitute** "subsection (1), (1A), (1B), (1C), (1D) or (1E)".

(3) In section 59(2) of the **Veterinary Practice Act 1997**, for "under subsection (1)" **substitute** "under that subsection".

92 New section 80A inserted

After section 80 of the **Veterinary Practice Act 1997 insert**—

"**80A Appointment of persons**

The Board may appoint the following persons—

(a) a person to apply for and execute search warrants for the purposes of this Act;

(b) a person to serve infringement notices under section 86A.".

93 Identification

For section 81(1) of the **Veterinary Practice Act 1997 substitute**—

"(1) The Board must issue an identification card to each person appointed by the Board under section 80A.".

94 New section 86A inserted

After section 86 of the **Veterinary Practice Act 1997 insert**—

"**86A Infringement notices**

(1) An authorised person may serve an infringement notice on any person that the authorised person has reason to believe has committed an offence against this Act or the regulations that is prescribed to be an infringement offence.

(2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.

(3) The infringement penalty for an infringement offence is the prescribed infringement penalty.

(4) In this section—

authorised person means a person appointed under section 80A(b).".

95 Regulations

After section 88(1)(d) of the **Veterinary Practice Act 1997 insert**—

"(da) prescribing, for the purposes of section 86A, infringement offences and infringement penalties for infringement offences;".

Part 12—Amendment of the Wildlife Act 1975

96 Definition of *relevant offence* in Part IX

In section 71 of the **Wildlife Act 1975**, in the definition of ***relevant offence***, for "44(1)" **substitute** "44(1), 44(3)".

Part 13—Amendment of other Acts

97 Confiscation Act 1997

For item 7(q) of Schedule 1 to the **Confiscation Act 1997 substitute**—

"(q) section 116(1) or (2A) (possession or sale of fish, or the hiding or concealment of fish, taken in contravention of Act or corresponding law);".

98 Conservation, Forests and Lands Act 1987

After section 99(2) of the **Conservation, Forests and Lands Act 1987 insert**—

"(3) The regulations may allow for different amounts of penalties for a fisheries infringement offence according to the circumstances in which the offence is committed, or the extent of the contravention constituting the offence.

(4) In this section—

fisheries infringement offence means an offence against the **Fisheries Act 1995** that is prescribed for the purposes of section 91(1).".

99 Crown Land (Reserves) Act 1978

In section 3 of the **Crown Land (Reserves) Act 1978**, in the definition of ***authorised officer***—

(a) in paragraph (b), for "**2016**;" **substitute** "**2016**; or";

(b) after paragraph (b) **insert**—

"(c) Part 3 of the **Game Management Authority Act 2014**;".

100 Environment Protection Act 1970

In section 4(1) of the **Environment Protection Act 1970**, in the definition of ***litter enforcement officer***, after paragraph (da) **insert**—

"(db) in relation to any land or waters managed under a relevant law (within the meaning of the **Conservation, Forests and Lands Act 1987**) a person appointed under Part 3 of the **Game Management Authority Act 2014**;".

101 Firearms Act 1996

(1) For the heading to section 153A of the **Firearms Act 1996 substitute**—

"**Powers that may be exercised by authorised officers appointed under other Acts**".

(2) For section 153A(6) of the **Firearms Act 1996 substitute**—

"(6) In this section ***authorised officer*** means a person appointed as an authorised officer under—

(a) Part 9 of the **Conservation, Forests and Lands Act 1987**; or

(b) Part 3 of the **Victorian Fisheries Authority Act 2016**; or

(c) Part 3 of the **Game Management Authority Act 2014**.".

102 Land Act 1958

In section 2A of the **Land Act 1958**, in the definition of ***authorised officer***—

(a) in paragraph (b), for "**2016**;" **substitute** "**2016**; or";

(b) after paragraph (b) **insert**—

"(c) Part 3 of the **Game Management Authority Act 2014**;".

Part 14—Repeals

103 Repeal of Acts

The following Acts are **repealed**—

(a) the **Broiler Chicken Industry Act 1978**;

(b) the **Broiler Chicken Industry (Amendment) Act 1991**;

(c) the **Livestock Disease Control Amendment Act 2007**.

Part 15—Repeal of amending Act

104 Repeal of amending Act

This Act is **repealed** on 1 February 2021.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

† *Minister's second reading speech—*

Legislative Assembly: 6 March 2019

Legislative Council: 15 October 2019

The long title for the Bill for this Act was "A Bill for an Act to amend the **Catchment and Land Protection Act 1994**, the **Dairy Act 2000**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Fisheries Act 1995**, the **Game Management Authority Act 2014**, the **Livestock Disease Control Act 1994**, the **Meat Industry Act 1993**, the **Melbourne Market Authority Act 1977**, the **Plant Biosecurity Act 2010**, the **Veterinary Practice Act 1997**, the **Wildlife Act 1975**, and to make miscellaneous and consequential amendments to the **Confiscation Act 1997**, the **Conservation, Forests and Lands Act 1987**, the **Crown Land (Reserves) Act 1978**, the **Environment Protection Act 1970**, the **Firearms Act 1996**, the **Land Act 1958** and to repeal the **Livestock Disease Control Amendment Act 2007**, the **Broiler Chicken Industry Act 1978** and the **Broiler Chicken Industry (Amendment) Act 1991** and for other purposes."